

**Introduced by Senator Knight**

February 14, 2003

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An act to amend Sections 51452, 51453, 60643, 69998, 89070.25, and 89070.30 of, and to repeal Article 5 (commencing with Section 60650) of Chapter 5 of Part 33 of, the Education Code, relating to pupil assessment.

## LEGISLATIVE COUNSEL'S DIGEST

SB 241, as introduced, Knight. Pupil assessment: Golden State Examination Program.

Existing law establishes the Golden State Examination Program to administer the Golden State Examination to pupils enrolled in public high schools to measure advanced pupil achievement on the academically rigorous content standards adopted by the State Board of Education and requires the examination to be administered in augmentation of standards-based achievement tests.

This bill would repeal this program and make related conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 51452 of the Education Code is
- 2 amended to read:
- 3 51452. The State Board of Education shall determine and
- 4 adopt, based upon the recommendations of the Superintendent of
- 5 Public Instruction, the following:



(a) The means by which ~~students~~ *pupils* may demonstrate mastery of the curriculum. ~~For subject matter areas included in the Golden State Examination (Article 5 (commencing with Section 60650) of Chapter 5 of Part 33), that examination shall serve as the means by which students may demonstrate mastery of the curriculum. For other subject matter areas, the~~ *The* means may include, but shall not be limited to, any subject matter examinations deemed appropriately rigorous by the board. For this purpose, the board may designate examinations administered by or under the auspices of the State Department of Education, or examinations produced by private providers or local educational agencies, that are supervised and administered under conditions that are deemed adequate by the board.

(b) ~~Student~~ *Pupil* performance standards or achievement levels that demonstrate mastery of the curriculum.

SEC. 2. Section 51453 of the Education Code is amended to read:

51453. Under the policy direction of the State Board of Education and the administrative leadership of the Superintendent of Public Instruction, the State Department of Education shall do the following:

(a) Ensure that the results of ~~the Golden State Examination~~ *examinations* are sent to school districts in a timely manner and work with providers of ~~other~~ examinations to provide timely information to school districts on ~~students~~ *pupils* who have met the performance standards so that school districts can efficiently maintain ~~student~~ *pupil* records and identify pupils who meet the requirements of the Golden State Seal Merit Diploma.

(b) Prepare and distribute to school districts an appropriate insignia to be affixed to a ~~student's~~ *pupil's* diploma and transcript indicating that the ~~student~~ *pupil* has been awarded a Golden State Seal Merit Diploma by the State Board of Education and the Superintendent of Public Instruction.

(c) Consider whether it would be appropriate and feasible to provide any additional awards to recipients of the Golden State Seal Merit Diploma.

SEC. 3. Section 60643 of the Education Code is amended to read:

60643. (a) To be eligible for consideration under Section 60642 or 60642.5 by the State Board of Education, test publishers

1 shall agree in writing each year to meet the following  
2 requirements, as applicable, if selected:

3 (1) Enter into an agreement, pursuant to subdivision (e) or (f),  
4 with the State Department of Education by October 15.

5 (2) With respect to selection under Section 60642.5, align the  
6 standards-based achievement test provided for in Section 60642.5  
7 to the academically rigorous content and performance standards  
8 adopted by the State Board of Education.

9 (3) Comply with subdivisions (c) and (d) of Section 60645.

10 (4) Provide valid and reliable individual pupil scores only in  
11 the content areas specified in subdivision (c) of Section 60642 to  
12 parents or guardians, teachers, and school administrators.

13 (5) Provide valid and reliable aggregate scores only in the  
14 content areas specified in subdivision (c) of Section 60642 to  
15 school districts and county boards of education in all of the  
16 following forms and formats:

17 (A) Grade level.

18 (B) School level.

19 (C) District level.

20 (D) Countywide.

21 (E) Statewide.

22 (F) Comparison of statewide scores relative to other states.

23 (6) Provide disaggregated scores, based on  
24 limited-English-proficient status and  
25 nonlimited-English-proficient status. For purposes of this section,  
26 pupils with “nonlimited-English-proficient status” shall include  
27 the total of those pupils who are English-only pupils,  
28 fluent-English-proficient pupils, and redesignated  
29 fluent-English-proficient pupils. These scores shall be provided to  
30 school districts and county boards of education in the same forms  
31 and formats listed in paragraph (5).

32 (7) Provide disaggregated scores by pupil gender and provide  
33 disaggregated scores based on whether pupils are economically  
34 disadvantaged or not. These disaggregated scores shall be in the  
35 same forms and formats as listed in paragraph (5). In any one year,  
36 the disaggregation shall entail information already being collected  
37 by school districts, county offices of education, or charter schools.

38 (8) Provide disaggregated scores for pupils who have  
39 individualized education programs and have enrolled in special  
40 education, to the extent required by federal law. These scores shall

1 be provided in the same forms and formats listed in paragraph (5).  
2 This section may not be construed to exclude the scores of special  
3 education pupils from any state or federal accountability system.

4 (9) Provide information listed in paragraphs (5), (6), (7), and  
5 (8) to the State Board of Education and the State Department of  
6 Education in the medium requested by each entity, respectively.

7 (b) It is the intent of the Legislature that the publisher work  
8 with the Superintendent of Public Instruction and the State Board  
9 of Education in developing a methodology to disaggregate  
10 statewide scores as required in paragraphs (6) and (7) of  
11 subdivision (a), and in determining which variable indicated on the  
12 STAR testing document shall serve as a proxy for “economically  
13 disadvantaged” status pursuant to paragraph (7).

14 (c) Access to any information about individual pupils or their  
15 families shall be granted to the publisher only for purposes of  
16 correctly associating test results with the pupils who produced  
17 those results or for reporting and disaggregating test results as  
18 required by this section. School districts are prohibited from  
19 excluding a pupil from the test if a parent or parents decline to  
20 disclose income. Nothing in this chapter shall be construed to  
21 abridge or deny rights to confidentiality contained in the Family  
22 Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec.  
23 1232g) or other applicable provisions of state and federal law that  
24 protect the confidentiality of information collected by educational  
25 institutions.

26 (d) Notwithstanding any other provision of law, the publisher  
27 of the achievement test designated pursuant to Section 60642, the  
28 publisher of the standards-based achievement test provided for in  
29 Section 60642.5, or any contractor under subdivision (f) shall  
30 comply with all of the conditions and requirements enumerated in  
31 subdivision (a), as applicable, to the satisfaction of the State Board  
32 of Education.

33 (e) (1) A publisher may not provide a test described in Section  
34 60642, 60642.5, ~~or 60650~~ or in subdivision (f) of Section 60640  
35 for use in California public schools unless the publisher enters into  
36 a written contract with the State Department of Education as set  
37 forth in this subdivision.

38 (2) The State Department of Education shall develop, and the  
39 State Board of Education shall approve, a contract to be entered



1 into with any publisher pursuant to paragraph (1). The department  
2 may develop the contract through negotiations with the publisher.

3 (3) For purposes of the contracts authorized pursuant to this  
4 subdivision, the State Department of Education is exempt from the  
5 requirements of Part 2 (commencing with Section 10100) of  
6 Division 2 of the Public Contract Code and from the requirements  
7 of Article 6 (commencing with Section 999) of Chapter 6 of  
8 Division 4 of the Military and Veterans Code.

9 (4) The contracts shall include provisions for progress  
10 payments to the publisher for work performed or costs incurred in  
11 the performance of the contract. Not less than 10 percent of the  
12 amount budgeted for each separate and distinct component task  
13 provided for in each contract shall be withheld pending final  
14 completion of all component tasks by that publisher. The total  
15 amount withheld pending final completion shall not exceed 10  
16 percent of the total contract price.

17 (5) The contracts shall require liquidated damages to be paid by  
18 the publisher in the amount of up to 10 percent of the total cost of  
19 the contract for any component task that the publisher through its  
20 own fault or that of its subcontractors fails to substantially perform  
21 by the date specified in the agreement.

22 (6) The contracts shall establish the process and criteria by  
23 which the successful completion of each component task shall be  
24 recommended by the State Department of Education and approved  
25 by the State Board of Education.

26 (7) The publishers shall submit, as part of the contract  
27 negotiation process, a proposed budget and invoice schedule, that  
28 includes a detailed listing of the costs for each component task and  
29 the expected date of the invoice for each completed component  
30 task.

31 (8) The contracts shall specify the following component tasks,  
32 as applicable, that are separate and distinct:

33 (A) Development of new tests or test items as required by  
34 paragraph (2) of subdivision (a).

35 (B) Test materials production or publication.

36 (C) Delivery of test materials to school districts.

37 (D) Test processing, scoring, and analyses.

38 (E) Reporting of test results to the school districts, including,  
39 but not limited to, all reports specified in this section.

1 (F) Reporting of test results to the State Department of  
2 Education, including, but not limited to, the electronic files  
3 required pursuant to this section.

4 (G) All other analyses or reports required by the  
5 Superintendent of Public Instruction to meet the requirements of  
6 state and federal law and set forth in the agreement.

7 (9) The contracts shall specify the specific reports and data  
8 files, if any, that are to be provided to school districts by the  
9 publisher and the number of copies of each report or file to be  
10 provided.

11 (10) The contracts shall specify the means by which any  
12 delivery date for materials to each school district shall be verified  
13 by the publisher and the school district.

14 (11) School districts may negotiate a separate agreement with  
15 the publisher for any additional materials or services not within the  
16 contracts specified in this subdivision, including, but not limited  
17 to, the administration of the tests to pupils in grade levels other  
18 than grades 2 to 11, inclusive. Any separate agreement is not  
19 within the scope of the contract specified in this subdivision.

20 (f) The State Department of Education, with approval of the  
21 State Board of Education, may enter into a separate contract for the  
22 development or administration of any test authorized pursuant to  
23 this part, including, but not limited to, item development,  
24 coordination of tests, assemblage of tests or test items, scoring, or  
25 reporting. The liquidated damages provision set forth in paragraph  
26 (5) of subdivision (e) shall apply to any contract entered into  
27 pursuant to this subdivision.

28 SEC. 4. Article 5 (commencing with Section 60650) of  
29 Chapter 5 of Part 33 of the Education Code is repealed.

30 SEC. 5. Section 69998 of the Education Code is amended to  
31 read:

32 69998. (a) The Governor's Distinguished Mathematics and  
33 Science Scholars Program is hereby established. This program  
34 shall provide a scholarship of two thousand five hundred dollars  
35 (\$2,500) for public high school pupils who demonstrate specified  
36 high academic achievement in mathematics and the sciences.  
37 Pupils receiving a scholarship pursuant to this section shall be  
38 known as "Governor's Mathematics and Science Scholars."



(b) In addition to the criteria specified in subdivision (d) of Section 69995, a pupil shall satisfy the following to be eligible to receive a scholarship pursuant to this section:

(1) Earn an award pursuant to the program authorized by Section 69997.

(2) Take an advanced placement calculus examination offered by the college board.

(3) Take any one of the advanced placement biology, chemistry, or physics examinations offered by the college board.

(c) If the provisions of subdivision (d) apply, then paragraphs (2) and (3) of subdivision (b) shall be effective only as specified in subdivision (d).

~~(d) (1) If the pupil's school offers an advanced placement course in a subject identified in subdivision (b), only the advanced placement examination in that subject shall be allowed for the purposes of determining eligibility for an award pursuant to this section. If a pupil's school does not offer an advanced placement course in a subject identified in subdivision (b), he or she may take instead the Golden State Examination, as authorized by Article 5 (commencing with Section 60650) of Chapter 5 of Part 33, in that subject in order to be eligible to receive a scholarship pursuant to this section.~~ Should there appear to be a conflict between this subdivision and any other subdivision related to this program, this subdivision shall be controlling.

~~(2) For the science test, the Golden State Examination in second-year coordinated science may be used in place of any other Golden State Examination in science for the purposes of this subdivision.~~

~~(3) For the mathematics test, only the High School Mathematics Golden State Examination may be used for the purposes of this subdivision.~~

(e) Eligible pupils shall earn a scholarship pursuant to this section by satisfying all of the following requirements:

(1) Attaining a score of five, on the advanced placement calculus AB examination, or attaining a score of four or five on the higher-level advanced placement calculus BC examination.

(2) Attaining a score of five on any one of the advanced placement biology, chemistry, or physics B examinations, or attaining a score of four or five on both of the advanced placement physics C (mechanics or electricity and magnetism) examinations.



~~(3) If a pupil is eligible for an award pursuant to paragraph (4) of subdivision (b), he or she must attain a score of six on the appropriate Golden State Examination, as described in subdivision (d).~~

(f) As an alternative to the examination requirements set forth in subdivisions (b), (c), (d), and (e), a pupil may be eligible to receive a scholarship pursuant to this section for performance in science and mathematics examinations that are part of the International Baccalaureate Program. The State Board of Education shall review and designate those International Baccalaureate examinations ~~that are equivalent to the advanced placement tests or Golden State Examinations~~ for which pupils may receive scholarships pursuant to this section. The State Board of Education shall also designate the score on International Baccalaureate examinations ~~that is equivalent to the score required on advanced placement tests or Golden State Examinations~~ *necessary* in order to receive a scholarship.

(g) The State Board of Education may modify this list of examinations as necessary to reflect additions and deletions to the series of examinations offered by the college board for advanced placement courses. The State Board of Education may also determine the relative rigor of any new examinations added to the list and whether those examinations should require a score of four or five if the added examinations and qualifying scores reflect at least the same level of rigor as the advanced placement examinations specified in this section.

(h) Test scores earned before receiving an award pursuant to the program authorized by Section 69997 may be used to satisfy the requirements of subdivision (d), even if these scores are earned before January 1, 2000. A pupil may not claim an award pursuant to this section until the pupil has earned and successfully claimed an award pursuant to the program authorized by Section 69997.

(i) A pupil may receive a maximum of one award pursuant to the program established by this section.

(j) Subdivisions (c) and (d) and paragraph (4) of subdivision (b), subdivision (c), and paragraph (3) of subdivision (e) shall become inoperative, and are repealed as of December 31, 2001.

SEC. 6. Section 89070.25 of the Education Code is amended to read:



1 89070.25. In developing this system, the trustees shall ensure  
2 that the use of these assessment instruments and diagnostic  
3 services assist in all of the following:

4 (a) Contributing to secondary school pupils' preparation for  
5 postsecondary education.

6 (b) Reducing the demand for remedial programs in  
7 mathematics at the postsecondary level.

8 (c) Complementing and supplementing other assessment  
9 efforts, including, but not limited to, the California Assessment  
10 Program, ~~and the Golden State Examination~~, by making available  
11 to pupils, parents, faculty, and the advisory committee careful  
12 analyses of pupils' readiness for work in college preparatory  
13 mathematics.

14 (d) Providing individual pupils with detailed information  
15 about their levels of preparedness in areas of mathematics needed  
16 for success in further college-preparatory or beginning level  
17 college mathematics.

18 (e) Helping teachers and departments examine the  
19 effectiveness of existing courses in preparing pupils for further  
20 mathematics study.

21 (f) Encouraging appropriate use of these instruments in schools  
22 with low student participation in postsecondary education.

23 (g) Ensuring that public schools located in all areas of the state,  
24 including rural, urban, and suburban have access to program  
25 services.

26 (h) Establishing networks between secondary and  
27 postsecondary mathematics faculty to address curricular issues,  
28 including but not limited to, mathematics prerequisites for success  
29 in college.

30 SEC. 7. Section 89070.30 of the Education Code is amended  
31 to read:

32 89070.30. An intersegmental advisory committee is hereby  
33 established to make recommendations to the trustees regarding the  
34 policies, organization, and operations of the California  
35 Mathematics Diagnostic Testing Program, including, but not  
36 limited to, all of the following:

37 (a) Developing a general policy for the diagnostic assessment  
38 of secondary pupils which is directly related to the skills and  
39 knowledge needed for success in college level mathematics and  
40 which is consistent with the Mathematics Framework for

- 1 California Public Schools and the expectations of postsecondary
- 2 education.
- 3 (b) Developing criteria for determining program direction.
- 4 (c) Developing criteria for program evaluation which shall
- 5 include, but shall not be limited to, determining whether there is
- 6 an increase in the number of ~~students~~ *pupils* taking advanced
- 7 college preparatory mathematics courses, and determining
- 8 whether there is an improvement in California Assessment
- 9 Program, ~~Golden State Examination~~, and other assessment scores.
- 10 (d) Developing criteria for ensuring that all public schools
- 11 throughout the state have access to program services, and
- 12 ensuring, as a primary objective, participation by those schools
- 13 with low student enrollment in postsecondary education.
- 14 (e) Identifying additional resources and efforts which promote
- 15 the objectives of the program.

